

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent of *Messenger et al.* : OFFICE OF PETITIONS  
Patent No. 6,290,976 : Confirmation Number: 9261  
Issued: September 18, 2001 : Docket No. P131584  
For: FACIAL SKIN DERMABRASION CLEANSING AND CONDITIONING COMPOSITION

**MAIL STOP PETITION**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**DECLARATION OF LYNN LUCKA IN SUPPORT OF  
PETITION TO REINSTATE AN UNINTENTIONALLY  
EXPIRED PATENT UNDER 37 C.F.R. § 1.378(c)**

Dear Commissioner:

I provide this Declaration in support of a Petition to Reinstate an Unintentionally Expired Patent Under 37 C.F.R. §1.378.

I, Lynn Lucka, hereby declare that:

1. I am the founder, President and sole-owner of Bella Bella, Inc., ("Bella Bella") a company formed to make and sell a facial skin cleaning composition. I am of legal age and competent to make the statements in this Declaration.

2. On August 7, 2007, the USPTO issued a Certificate of Correction to include me as a co-inventor on the instant patent, after granting a Petition for Correction of Inventorship of Patent under 37 CFR §1.324, filed April 26, 2007.

3. The instant patent became expired after midnight on September 18, 2009, for failure to pay the 8<sup>th</sup> year maintenance fee due.

4. As mentioned in item 2, above, I was added as a co-inventor on this patent in 2007, about six years after its issuance. The fourth year maintenance fee was paid, presumably, by co-inventor Donna Messenger. Since she was handling this matter on her own, she never informed me of the deadline or the fact that she was not going to make payment. Our relationship had soured as we were involved in litigation regarding questions of inventorship and ownership of the patent. While I was the rightful owner of the patent at the time that both

maintenance fees became due, Ms. Messenger did not inform me of the status of the present patent or maintenance fee deadlines.

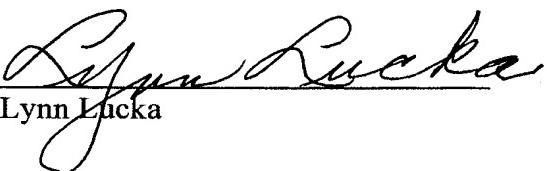
5. Accordingly, I wish to affirm that I did not intentionally permit the present patent to become expired.

6. I recently consulted with a law firm relative to possible infringement of my patent. The law firm recommended that we retain a Patent Law Firm for the purpose of initiating a Patent Owner's Request for Reexamination. We retained the Firm of Hershkovitz & Associates, LLC (hereafter "Hershkovitz") for the purpose of initiating a Patent Owner's Request for Reexamination. After conducting a conflicts check, the engagement letter was signed on October 21, 2009.

7. We were recently informed by Hershkovitz that their initial investigation of my patent prosecution history reveals that the second maintenance fee had not been paid, resulting in its expiration. Needless to say, this was the first time I was made aware of this. We authorized Hershkovitz to undertake prompt reinstatement of the patent.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date: December 14, 2009

  
Lynn Lucka  
Lynn Lucka